

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN)
RICHMAN, JOHN DUBE and JOCEYLN MERRILL,)
teachers in the New Hampshire Public Schools, and)
KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN)
DURDEN, parents or guardians of children in the New)
Hampshire public schools.)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his Official Capacity as)
Commissioner of the DEPARTMENT OF EDUCATION)
("DOE"), CHRISTIAN KIM in his Official Capacity as the)
Chair of the NEW HAMPSHIRE COMMISSION ON)
HUMAN RIGHTS, and JOHN FOMELLA in his Official)
Capacity as ATTORNEY GENERAL of the State of New)
Hampshire.)

Defendants.)

Civil No. 1:21-cv-01077-PB

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ANDRES MEJIA,)
CHRISTINA KIM PHILIBOTTE, and)
NATIONAL EDUCATION ASSOCIATION-NEW)
HAMPSHIRE,)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his official capacity only as the)
Commissioner of the New Hampshire Department of)
Education,)
JOHN M. FORMELLA, in his official capacity only as the)
Attorney General of the State of New Hampshire,)
AHNI MALACHI, in her official capacity only as the)
Executive Director of the New Hampshire Commission for)
Human Rights,)
CHRISTIAN KIM, in his official capacity)
only as the Chair of the New Hampshire Commission for)
Human Rights,)
KEN MERRIFIELD, in his official capacity only as the)
Commissioner of the Department of Labor,)

Defendants.)

JOINT MOTION FOR ENTRY OF A PROTECTIVE ORDER

The parties hereby jointly file this Joint Motion for Protective Order.

During discovery in this litigation, Plaintiffs have sought from Defendant Human Rights Commission Executive Director Ahni Malachi, among other things, “[a]ll documents relating to any complaints, concerns, or inquiries (either written or oral) made to, received by or in any way considered or addressed by or on behalf of your office alleging or concerning a possible violation of the amendments.” Defendant Malachi has raised an objection to this request to the extent it seeks information that may be protected under either RSA 354-A:21, II(a) or N.H. Administrative Rule Hum 219.04, which provides that “[n]o information regarding complaints filed, investigation of complaints, pre-determination settlement negotiations, or conciliation negotiations shall be disclosed to the public by any commissioner or staff member prior to the issuance of a notice of public hearing after a finding of probable cause.” While Plaintiffs do not believe that this administrative rule applies to the requested information, all parties agree that this proposed Protective Order will address Defendant Malachi’s concerns with respect to any obligations under RSA 354-A:21, II(a) or N.H. Administrative Rule Hum 219.04 while allowing her to comply with her discovery obligations.

Accordingly, the parties have agreed to the terms of this Protective Order, which is attached as Exhibit A, and believe that there is good cause for the Court to enter it as an order.

WHEREFORE, the parties ask the Court to enter as an order the Protective Order attached as Exhibit A.

Respectfully Submitted,

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Ken Merrifield, New Hampshire Department of Labor,

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